

CITY OF MILPITAS
Summary of Contents
Milpitas City Council Meeting
August 19, 2003
6:00 p.m. Closed Session
7:00 p.m. Public Business
455 E. Calaveras Boulevard

I. ROLL CALL (6:00 p.m.)

II. ADJOURN TO CLOSED SESSION

1. CONFERENCE WITH LABOR NEGOTIATOR

(Pursuant to Government Code Section 54957.6)

Agency Negotiators: Cherie Rosenquist, Ed Kreisberg, and Thomas J. Wilson

Employee Organizations: IAFF Local 1699, LIUNA, MEA, MPOA, MSA, ProTech, and Unrepresented

III. CLOSED SESSION ANNOUNCEMENTS: Report on action taken in Closed Session, if required pursuant to Government Code Section 54957.1, including the vote on abstention of each member present

IV. PLEDGE OF ALLEGIANCE (7:00 p.m.)

V. APPROVAL OF MINUTES: August 5, 2003

VI. SCHEDULE OF MEETINGS

VII. PRESENTATIONS

Certificate of Appointment:

- Syed Mohsin, Community Advisory Commission

VIII. CITIZENS FORUM

Members of the audience are invited to address the Council on any subject not on tonight's agenda. Speakers must come to the podium, state their name and city of residence for the Clerk's record, and limit their remarks to under two minutes. As an unagendized item, no response is required from City staff or the Council and no action can be taken; however, the Council may instruct the City Manager to agendize the item for a future meeting.

IX. ANNOUNCEMENTS

X. APPROVAL OF AGENDA

XI. CONSENT CALENDAR (Items with Asterisks)

XII. PUBLIC HEARING

- 1. Approve Submittal of Annual Report for Housing and Urban Development (HUD) Storm Grant (Staff Contact: Marilyn Nickel, 586-3347)**

XIII. JOINT REDEVELOPMENT AGENCY AND CITY COUNCIL MEETING

RA1. CALL TO ORDER BY THE MAYOR

RA2. ROLL CALL

RA3. APPROVAL OF MINUTES: August 5, 2003

RA4. APPROVAL OF AGENDA AND CONSENT CALENDAR (ITEMS WITH ASTERISKS)

RA5. Approval of Memorandum Of Understanding - Parc North Associates Development (Staff Contact: Blair King, 586-3060)

RA6. Report on Schedule and Tasks for the Redevelopment Agency Tax Allocation Bond, Series 2003 (Staff Contacts: Thomas Wilson 586-3050 and Blair King 586-3060)

***RA7. Review Progress Report on 3rd and 4th Floor Improvements and Project Closeout Progress; Approve Release of Retention, Change Orders, and Purchase Orders; Civic Center (Project No. 8026) (Staff Contact: Greg Armendariz, 586-3220)**

RA8. AGENCY ADJOURNMENT

XIV. REPORTS OF OFFICERS AND BOARDS

City Council

2. Approve Michael Harwood Training and Community Room Dedication: Mayor Esteves (Staff Contact: Bill Weisgerber, 586-2811)

***3. Approve Appointment to the Parks, Recreation and Cultural Resources Commission: Mayor Esteves**

4. Public Review and Comment on COMCAST Service: Councilmember Livengood (Staff Contact: Bill Marion, 586-2701)

Parks, Recreation, and Cultural Resources Commission

***5. Approve Seven Individual Family Child Care Assistance Grant Requests (Staff Contacts: Toby Librande, 586-3203 & Kathleen Yurchak, 586-3209)**

***6. Approve Eleven (11) Youth Sports Assistance Fund Grant Requests (Staff Contact: Kerrilyn Ely, 586-3225)**

XV. UNFINISHED BUSINESS

7. Review Progress Report: Interim Senior Center (Staff Contact: Mark Rogge, 586-3257)

XVI. NEW BUSINESS

8. Deny Request from Milpitas Basketball League to waive fees for Milpitas Sports Center Gym rental (Staff Contact: Bonnie Greiner, 586-3227)

***9. Approve Agreement of Grant Funding Between Santa Clara County and the City of Milpitas for Terrorism Grants (Staff Contact: Americo Silvi, 586-2810)**

- *10. Approve Agreement of the MOU Between the City of Milpitas and the Volunteer Center of Silicon Valley (Staff Contact: Americo Silvi, 586-2810)**
- *11. Approve Bylaws for the Economic Development Commission and Amendments to Bylaws for Ten City Commissions (Staff Contact: Gail Blalock, 586-3001)**

XVII. ORDINANCE

- *12. Adopt Ordinance No. 239.2 of Title XI, Chapter 16, Section 15 Setting Storm Drain Connection Fees (Staff Contact: Darryl Wong, 586-3345)**

XVIII. RESOLUTION

- *13. Adopt Resolution Granting Final Acceptance: Parc West Apartments (Project No. 3113) (Staff Contact: Mike McNeely, 586-3301)**

XIX. BIDS AND CONTRACTS

- *14. Approve Agreement: AMSO Consulting Engineers (ACE), Great Mall Median Landscape/Irrigation, (Project No. 4133) (Staff Contact: Steve Erickson, 586- 3317)**
- *15. Approve Consultant Agreement: Raines, Melton, and Carella , Incorporated, Wet Weather Monitoring Evaluation (Project No. 6102) (Staff Contact: Darryl Wong, 586-3345)**
- *16. Approve Consultant Agreements: URS Greiner, Inc & 4LEAF, Inc - Construction Inspection & Material Testing (Various CIP Projects) (Staff Contact: Steve Erickson, 586-3317).**
- *17. Approve Amendment No. 2 to Permittee Dedication and Improvement Agreement for Home Depot at Great Mall (Project No. 3118) (Staff Contact: Mehdi Khaila, 586-3327)**
- *18. Approve Six-Month Extension of Street Sweeping Services Contract with Enviro-Commercial Sweeping (Staff Contact: Blair King, 586-3060)**
- *19. Authorize the City Manager to Execute an Agreement with Frank Addiego Consulting Engineers (Various CIP Projects) (Staff Contact: Mark Rogge, 586-3257)**
- *20. Authorize the City Manager to Execute an Agreement with DEG Consulting Engineers: Sports Center Master Plan Improvements No. 8149 (Staff Contact: Mark Rogge, 586-3257)**
- *21. Approve an Amendment to Extend the Agreement with Telecommunications Engineering Associates and Perform Additional Installation Services for an Amount Not-To-Exceed \$11,000 (Project No. 3389) (Staff Contact: Terry Medina, 586-2703)**
- *22. Authorize Purchase Of Geographic Information System Software From Intergraph Corporation (Project No. 8112) (Staff Contact: Terry Medina, 586-2703)**
- *23. Authorize the Upgrade of Forty Computer Server Licenses to Windows 2003 (Project No. 8109) (Staff Contact: Terry Medina, 586-2703)**

XX. CLAIMS AND DEMANDS

- *24. Approve Payroll Registers (Staff Contact: Emma Karlen, 586-3145)**

XXI. ADJOURNMENT

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XII. PUBLIC HEARING

1. APPROVE SUBMITTAL OF ANNUAL REPORT FOR HOUSING AND URBAN DEVELOPMENT (HUD) STORM GRANT (STAFF CONTACT: MARILYN NICKEL, 586-3347)

BACKGROUND: Milpitas was awarded a \$1 million Federal Housing and Urban Development (HUD) grant for reimbursement of winter '98 storm expenses. An annual report is now due and requires that a public hearing be held to inform the public of the progress. The report and a memorandum detailing the grant and expenses are included in the Council's agenda packet.

During the winter '98 storm, the City experienced high winds and rain, causing flooding, fallen trees, mud and debris deposits, broken water and sewer lines, and damage to the Calaveras Road embankment. A temporary emergency shelter was opened and some residents were evacuated. The Federal Emergency Management Agency (FEMA) and the state Office of Emergency Services (OES) have provided partial reimbursement funds for the City's expenses during the winter '98 storm. Some expenses were not eligible for reimbursement by FEMA and OES, but can be reimbursed by the HUD grant.

HUD has provided the \$1 million grant money to the State Community Development Block Grant (CDBG) program, which in turn has been used to reimburse Milpitas. The City has provided 25% matching funds as required. The CDBG agreement was executed on March 23, 2000.

During the past year, the construction work on Calaveras Road was completed, which included drainage rehabilitation and embankment stabilization. This concludes all field construction work. On May 20, 2003, the City applied for additional HUD funding that has been made available. On July 17, 2003, the City was awarded an additional \$320,000 supplemental grant funding. During the next year, we will begin the grant close-out process.

RECOMMENDATION:

1. Close the public hearing.
2. Approve submittal of the annual report.

XIII. JOINT REDEVELOPMENT AGENCY AND CITY COUNCIL MEETING

RA1. CALL TO ORDER BY THE MAYOR

RA2. ROLL CALL

RA3. APPROVAL OF MINUTES: August 5, 2003

RA4. APPROVAL OF AGENDA AND CONSENT CALENDAR (ITEMS WITH ASTERISKS)

RA5. APPROVAL OF MEMORANDUM OF UNDERSTANDING - PARC NORTH ASSOCIATES DEVELOPMENT (STAFF CONTACT: BLAIR KING, 586-3060)

BACKGROUND: Parc North Associates, in cooperation with Western Pacific Housing (1), has proposed to construct a 285-unit town home condominium project with landscaping, private recreational amenities, and street improvements upon the 7.4-acre Lockheed Martin warehouse site at the corner of Curtis Street and Hammond Way. On January 21, 2003, the Redevelopment Agency authorized staff to enter into negotiations with RGC Courthomes, which later became Parc North, to assist with the redevelopment of this site.

It is recommended that the Agency adopt a resolution approving a Memorandum of Understanding (MOU) providing grant and loan assistance to facilitate the construction of 58 deed-restricted, affordable housing units consisting of: 18 very low income units, 6 low income units, and 34 moderate income units. The MOU commits \$1,823,480 in affordable housing funds for grants related to permits, fees, and infrastructure, and \$1,974,000 for silent second loans. The total value of the proposed Agency assistance in grants and loans is \$3,797,480. Sufficient Low and Moderate Housing funds are available. The MOU will subsequently be incorporated into an Owner Participation Agreement (OPA) that will be presented to the Agency for approval concurrent with Council consideration of the project, which is tentatively scheduled for October 7th, 2003. The MOU does not prevent the City Council from exercising its independent judgment required to evaluate the proposed project.

It is estimated that the proposed project, upon full build out and sale, will produce approximately \$800,000 annually in new tax increment. Thus, the Agency will recover its grant assistance in 2.3 years and all of its assistance in 4.7 years. A recovery period of 5 years is a fair standard of comparison.

In total the project will produce the following benefits:

- Recovery of investment - 2.3 years for grants and 4.7 years for all assistance;
- 75 construction jobs during the three-year construction period;
- 285 new residential units of which 58 are deed-restricted, affordable units.

Included in the Council's agenda packet are a Parc North Project Information Summary and a signed MOU indicating developer acceptance.

(1) Western Pacific Housing is a D.H. Horton Company. D.H. Horton is traded on the New York Stock Exchange under the symbol DHI.

RECOMMENDATION: Adopt a Resolution of the Redevelopment Agency approving a Memorandum Of Understanding by and between the Redevelopment Agency of the City of Milpitas and Parc North Associates.

RA6. REPORT ON SCHEDULE AND TASKS FOR THE REDEVELOPMENT AGENCY TAX ALLOCATION BOND, SERIES 2003 (STAFF CONTACTS: THOMAS WILSON 586-3050 AND BLAIR KING 586-3060)

BACKGROUND: Along with expanding the Redevelopment District into the Midtown/Main Street area and extending the life of the Redevelopment Agency, the eighth amendment to the Redevelopment Plan increased the Redevelopment Agency's bonded debt limit from \$75 million to a not-to-exceed limit at any one time of \$498 million of bonded debt. It is proposed that the Agency utilize some of this additional debt capacity to refinance the Agency's 1997 I-880/Dixon and 237 Interchanges and 2000 Civic Center construction bonds, to secure funds at favorable

interest rates necessary for priority capital projects such as the Library and Senior Center, and to provide funds for the initial payments for the purchase from Santa Clara County of the Elmwood/Abel Street properties.

In conjunction with its financial advisors, staff has analyzed the Agency's ability to amortize debt and evaluated several scenarios of various financing structures, including the timing and size of a potential bond issuance. This analysis had led staff and consultants to come to the conclusion that the Agency should seek to refinance its outstanding debt and issue new bonds as soon as possible.

Staff and the "Bond Team" have developed an aggressive bond issuance schedule that would allow the Agency to price and sell bonds the first week of November 2003. If the Agency does not sell bonds in early November, staff and the "Bond Team" would advise that the Agency not sell bonds until the first quarter of 2004, in order to avoid selling bonds at the end of a calendar year when less capital is traditionally available in the market and, therefore, is more expensive.

In order to meet the schedule for an early November Redevelopment Agency bond issuance, staff proposes to bring the following three critical actions to the Agency for consideration at its September 2nd meeting:

- 1) Approval of a Financing Plan which identified the projects that will be financed and a schedule for the issuance of bonds.
- 2) Selection of an Underwriter which is the investment banker that markets and sells the bonds to investors and guarantees the purchase of the total bond issuance.
- 3) A resolution of the Milpitas Public Financing Authority authorizing the Authority to act as the tax allocation bond issuer. The City has previously used the mechanism of a Public Financing Authority to issue bonds. Such an authority is legally required for a negotiated bond sale as proposed.

Once the above steps are taken, a legal opinion on the tax exempt nature of the bonds will be rendered, credit packages will be developed for submission to bond insurers and rating agencies, bond documents will be prepared, and the Preliminary Official Statement will be drafted. All of these actions will then enable the Agency to consider final authorization for the issuance/sale of bonds at its October 21st meeting.

RECOMMENDATION: Note receipt and file report on Redevelopment Tax Allocation Bond, Series 2003.

***RA7. REVIEW PROGRESS REPORT ON 3RD AND 4TH FLOOR IMPROVEMENTS AND PROJECT CLOSEOUT PROGRESS; APPROVE RELEASE OF RETENTION, CHANGE ORDERS, AND PURCHASE ORDERS: CIVIC CENTER (PROJECT NO. 8026) (STAFF CONTACT: GREG ARMENDARIZ, 586-3220)**

BACKGROUND:

City Hall Project: Release of Retention:

Two contractors, Corner Office (furnish and install modular furniture) and One Work Place (furnish and install freestanding furniture), have completed 100% of their base contract work and each have requested the City to release the remaining 50% contract retention for work completed through February, 2003. Additional extra work was added to both contracts, which postponed the initial acceptance of these contracts. Staff recommends approval of release of contract retention for both contractors. The remaining contract retention is to be released 35 days after satisfactory completion of remaining contract work and initial acceptance by Council, in accordance with the Public Contract Code.

Included in the Council's agenda packet is additional background information on the close out progress of the City Hall project.

Third Floor Improvements:

All security, furniture, doorway and electrical improvements are complete. Staff is working on resolving the programming for the elevator. Changes to allow access to the third floor without a key-card have proven incompatible with the building's security system. Staff is working with the equipment companies to make modifications to the elevator control and security system to allow the program change.

Fourth Floor Improvements:

Change Orders and Purchase Orders – Staff recommends two Change Orders and two Purchase Orders. The largest change order is to ACCO to complete the majority of improvements on the fourth floor. These improvements include furnishing all materials and labor for wall framing, doors, drywall, electrical power and lighting, carpet, painting, t-bar ceiling and HVAC system improvements. The cost for this proposed change order is \$307,000. The other contract change order is to Corner Office for fourth floor workstations in the amount of \$62,300. A purchase order to BBI for audiovisual equipment for the forth floor in the amount of 45,000 and another to NDC for security and data systems in the amount of \$12,000 are also recommended.

The change order and purchase order amounts are within the approved budget for the 4th floor improvements.

A summary of the 4th floor work is included in the Council packets

RECOMMENDATION:

1. Approve release of retention for Corner Office and One Work Place.
2. Approve change orders and purchase orders for 4th floor improvements, included in the summary sheet.
3. Note receipt and file project close out progress report.

RA8. AGENCY ADJOURNMENT

XIV. REPORTS OF OFFICERS AND BOARDS

City Council

2. APPROVE MICHAEL HARWOOD TRAINING AND COMMUNITY ROOM DEDICATION: MAYOR ESTEVES (STAFF CONTACT: BILL WEISGERBER, 586-2811)

BACKGROUND: At the July 3, 2003, Council meeting, staff received direction to proceed with developing a memorial, dedicating the Fire Training and Community Room in recognition of Michael Harwood, former Milpitas Fire Chief and long time resident, who passed away last October. Staff, in cooperation with the Harwood family, has developed a fitting memorial for the Fire Training Class and Community Room, commemorating highlights of career accomplishments and contributions by former Fire Chief Harwood.

Staff is proposing two pieces to the memorial which will consist of a modest, bronze dedication plaque mounted at the exterior door to the classroom and an interior wall memorial mounted at the front of the classroom. Staff will return for a presentation to the Council once the pieces are completed.

The cost for the bronze dedication plaque is estimated at \$2,000. Community donations have netted matching funds of \$1,000, and staff is seeking Council approval for funding the balance of the amount. The department will be able to fully fund the interior wall art, estimated at \$750.

RECOMMENDATION: Approve dedication memorial package and expenditures for bronze dedication plaque and wall art in recognition of Mr. Harwood's contributions to the City. Direct staff accordingly.

***3. APPROVE APPOINTMENT TO THE PARKS, RECREATION AND CULTURAL RESOURCES COMMISSION: MAYOR ESTEVES**

BACKGROUND: Mayor Esteves is recommending the appointment of Judi Leonard to fill the Alternate No. 2 vacancy on the Parks, Recreation, and Cultural Resources Commission. Copies of all current applications for the Commission are included in the Council's agenda packet.

RECOMMENDATION: Approve the Mayor's appointment of Judi Leonard to the Alternate No. 2 position on the Parks, Recreation, and Cultural Resources Commission with a term expiring June 2004.

4. PUBLIC REVIEW AND COMMENT ON COMCAST SERVICE: COUNCILMEMBER LIVENGOD (STAFF CONTACT: BILL MARION, 586-2701)

BACKGROUND: At the direction of Council, an opportunity is being provide for public comment on the level of service provided by Comcast under their current cable TV franchise. The City is currently in the process of renewing its franchise agreement with Comcast and has been soliciting input through a number of means. To date, a telephone survey has been completed, an Internet survey offered and a public meeting of the Telecommunications Commission held to obtain input for a needs assessment that will be the basis for the franchise renewal. Staff has requested that Comcast provide a representative for this evenings meeting.

RECOMMENDATION: Obtain public input to improve present service and for potential inclusion in the franchise renewal needs assessment.

Parks, Recreation, and Cultural Resources Commission

***5. APPROVE SEVEN INDIVIDUAL FAMILY CHILD CARE ASSISTANCE GRANT REQUESTS (STAFF CONTACTS: TOBY LIBRANDE, 586-3203 & KATHLEEN YURCHAK, 586-3209)**

BACKGROUND: The City Council appropriated \$4,000 for the Child Care Assistance Fund for FY 2003-2004. Included in the Council's agenda packet for consideration are seven Individual Family Child Care Assistance Fund Grant requests. The details of each request are outlined below:

- Alejandra Araya requests \$500.00 to purchase math and language materials to improve her preschool program. She also needs to purchase sleeping mats.
- Sherry Clanton requests \$500.00 to purchase the Mother Goose Preschool Program, a new stroller, and extra liability insurance. Should the ages of children enrolled be too young for the Preschool Program, Ms. Clanton would like to purchase appropriate toys and books for children ages 0-2 in place of the Preschool Program.

- Yan Ding requests \$500.00 to purchase additional learning materials and exercise equipment to enhance the mental and physical growth of the children in her care.
- Donna Egusa requests \$500.00 to purchase preschool appropriate learning toys and role playing materials to enhance and update her playroom to be consistent with the developmental needs of the children currently enrolled.
- Kim Lagman requests \$500.00 to purchase the Mother Goose Preschool Program, a wagon, an umbrella for shade outside in the back yard and riding bikes for the children.
- Judy Ligon requests \$500.00 to enhance the safety and enrich the environment in her family child care home by purchasing books, balls, a stroller, a floor rug for the play area and a see-saw.
- Samiha (Suzie) Samawi requests \$500.00 to improve the services in her program, specifically through the purchase of a patio set for the children's use outdoors and extra food storage equipment for the children.

The City of Milpitas Individual Family Child Care Assistance Fund Policies and Procedures set a \$500 maximum annual grant amount (as of fiscal year 2002-2003). Any application, which exceeds this maximum, must show justification of extraordinary need and be highly meritorious. The Parks, Recreation and Cultural Resources Commission reviewed these grant applications at its August 4, 2003, meeting and is recommending approval of a \$500 grant for each requester.

There is currently a balance of \$4,000.00 in the Fund. Should the grants be approved, there will be a balance of \$500 remaining for FY 2003-2004.

RECOMMENDATION: Approve a \$500 grant from the Individual Family Child Care Assistance Fund to: Alejandra Araya, Sherry Clanton, Yan Ding, Donna Egusa, Kim Lagman, Judy Ligon, and Samiha (Suzie) Samawi.

***6. APPROVE ELEVEN (11) YOUTH SPORTS ASSISTANCE FUND GRANT REQUESTS (STAFF CONTACT: KERRILYN ELY, 586-3225)**

BACKGROUND: On June 17, 2003, the Milpitas City Council approved and appropriated \$10,000 for the Youth Sports Assistance Fund for the 2003-2004 budget year. Included in the Council agenda packet for review and considerations are eight (8) Individual and three (3) Group Youth Sports Assistance Fund applications.

Individual Requests:

An Individual Youth Sports Assistance Fund Application was received from Nastassia Hamor, requesting \$ 500.00 to offset cost of competing in the In-Line Skating competition in Lincoln Nebraska on July 12-18, 2003.

The second Individual Youth Sports Assistance Fund Application was received from Ricky Blas, requesting \$ 30.00 to offset entry fees of competing in the Southwest Pacific Regional speed skating competition at Cal Skate in Milpitas, California on June 7, 2003.

The third Individual Youth Sports Assistance Fund Application was received from Corina Blas, requesting \$ 30.00 to offset entry fees of competing in the Southwest Pacific Regional speed skating competition at Cal Skate in Milpitas, California on June 7, 2003.

The fourth Individual Youth Sports Assistance Fund Application was received from Riley Blas, requesting \$ 30.00 to offset entry fees of competing in the Southwest Pacific Regional speed skating competition at Cal Skate in Milpitas, California on June 7, 2003.

The fifth Individual Youth Sports Assistance Fund Application was received from Rustin Blas, requesting \$ 30.00 to offset entry fees of competing in the Southwest Pacific Regional speed skating competition at Cal Skate in Milpitas, California on June 7, 2003.

The sixth Individual Youth Sports Assistance Fund Application was received from Andrew Hoag, requesting \$ 500.00 to offset entry fees of competing in the 2003 USA Roller Sports Indoor Nationals on July 12th - 18th in Lincoln, Nebraska.

The seventh Individual Youth Sports Assistance Fund Application was received from Martin McKeefery, requesting \$ 500.00 to offset entry fees of competing in the Miniature Motorsports Racing Association West Coast Nationals on August 9^h - 10th at the South Sound Speedway in Rochester, Washington.

The eighth Individual Youth Sports Assistance Fund Application was received from Randy Zappia, requesting \$ 330.00 to offset entry fees of competing in the 2003 World Championships for American Bicycle Association on July 31st to August 2nd in Reno, Nevada.

Individual applications fall within the guidelines, under the section, "Funding consideration will be given", page 3, item #4 states; "As an event occurring where additional funding is required for a special event where participants are advancing beyond the normal spectrum of league play, hence causing additional expenses."

Group Request:

An organizational request was received from Milpitas Youth Soccer Club, requesting \$1,000.00 to offset the cost of one-time purchase of portable soccer goals for Fall 2003 Soccer season.

The second organizational request was received from PAL Soccer, requesting \$1,000.00 to offset the cost of one-time purchase of portable soccer goals for Fall 2003 Soccer season. Above group applications falls within the guideline, under section "Funding consideration given", and item states; " To one time activities or capital equipment purchase designed to address a significant need or problem which the organization cannot routinely finance."

The third organizational request was received from Little League South, requesting \$1,000.00 to offset traveling expenses incurred from the All-Star Traveling Baseball Team program.

This request falls within the guideline, under section "Acceptable funding criteria, item #2 states: " For an event occurring where additional funding is required for special tournament or event where participants are advancing beyond the spectrum or league play, hence causing additional expenses.

There is currently a balance of \$10,000.00 in the 2003-2004 Youth Sports Assistance Fund. The Parks, Recreation and Cultural Resources Commission reviewed these grants on August 04, 2003 meeting and unanimously recommended approval to the City Council.

RECOMMENDATION: Approve eleven (11) Youth Sports Grants as follows: Individual Grants of \$500.00 to Nastassia Hamor, Anthony Hoag and Martin McKeefery, \$330.00 to Randy Zappia and \$30.00 each to Ricky, Corina, Riley, and Rustin Blas and \$1,000.00 group grants to Milpitas Youth Soccer Club, PAL Soccer and Little League South as recommended by the Parks,

Recreation and Cultural Resources Commission leaving a balance of \$5,050.00 for the remainder of the fiscal year.

XV. UNFINISHED BUSINESS

7. REVIEW PROGRESS REPORT: INTERIM SENIOR CENTER (STAFF CONTACT: MARK ROGGE, 586-3257)

BACKGROUND: On April 15, 2003, the City Council established a new capital project (No. CP 8151), Interim Senior Center, with a total budget of \$573,000. At the time staff presented several milestones and promised to return to the City Council with a progress update and a preliminary schedule.

Since this project began, two significant events have affected the Interim Senior Center project. First, the City recently approved an agreement to purchase the property from the County. Therefore improvements to the site are now a City investment. Second, the Council approved new locations for both the Library and Senior Center. Therefore, the investment at the Interim Senior Center will serve the community until the existing library can be transformed into the new Senior Center, after completion of the New Library.

MILESTONES:

The site was surveyed and base maps were prepared. A complete application was filed with PG&E for new power service. The plans for the modular building addition were awarded. The plans for the site improvements were completed, approved and are out to bid. A consultant was hired to design the kitchen improvements to meet Health Department requirements.

The original project included minor upgrades to the kitchen within the existing kitchen room. Review of Health Department requirements indicates the need to expand the kitchen concept and area to provide appropriate space for the Senior Nutrition program. Staff will present a revised proposal to improve the interior of the building along with a full progress report at the City Council meeting.

RECOMMENDATION:

1. Approve an expanded interior renovation program including an upgraded kitchen.
2. Note receipt and file the progress report.

XVI. NEW BUSINESS

8. DENY REQUEST FROM MILPITAS BASKETBALL LEAGUE TO WAIVE FEES FOR MILPITAS SPORTS CENTER GYM RENTAL (STAFF CONTACT: BONNIE GREINER, 586-3227)

BACKGROUND: The Milpitas Basketball League, an independently organized adult basketball organization, has held its games without notice to the City or City approval over the past two summers at Gill Park. Over this time, the league has grown in size to over 150 players with a majority being Milpitas residents (however, league rosters have not been provided for staff verification) and has generated many neighborhood concerns and complaints. Specific complaints from residents over the past two summers are that the Milpitas Basketball league have monopolized the basketball court, created parking problems, violated posted hours of park use, generated noise from radios and officials whistles, and overall has made the park “off-limits” to the residents.

The City Manager’s office has been working closely to address numerous neighborhood concerns. In this effort to address and reduce complaints and concerns relating to traffic, parking, and noise

in the park on weekends, the City Manager directed Recreation Services to develop and post Gill Park basketball rules. These rules, included in the Council's agenda packet, include reduced hours of play, prohibit officiating, use of referees, and radios.

As a result of recently posted Gill Park basketball rules and Police Department enforcement, the Milpitas Basketball League organizers have approached Recreation Services to find a more suitable venue for their fourteen (14)-team summer leagues for the remaining four weeks of league play.

Recreation Services has met with representatives of the Milpitas Basketball League to review and reinforce the park rules and explore suitable options for their activities. During meetings, the following options were discussed as alternatives for the Milpitas Basketball League to consider:

- 1) Rental of the Milpitas Sports Center Large Gym as available
- 2) Join established Recreation Services Adult Basketball League programs and work with Recreation staff to add a new Sunday league to accommodate their needs. The new Sunday league would be operated as a Recreation Services Adult Basketball League. Recreation Services reinforced that the league is open to all community members and coordination of all aspects of the basketball league would be the responsibility of Recreation Services (rules, fees, schedules, and size of league).

As of July 27, Recreation Services worked with the Milpitas Basketball League, which chose to reserve a private rental of the Gym, with full fees, to continue their league play and not participate in a community league.

Organizers of the Milpitas Basketball League report that they charge a \$30.00 League Fee per player and have approximately one hundred and fifty (150) players in their league. Organizers report that all fees are applied to the cost of referees and awards. The organizers have requested that the City Council consider "waiving" the following gym rental fees for four (4) Sundays – eight hours of daily gym use, from August 24 to September 12.

Daily rental fees:

- \$30.00 per hour large gym rental fee
8 hrs X \$30.00 = \$240.00 per day
- \$15.00 per hour facility attendant fee *
8 hrs x \$15.00 = \$120.00 per day
- \$75.00 custodial fee per day
- \$250.00 refundable facility rental deposit
- **Daily Use Total for 8 hours is \$435.00 and** \$250.00 refundable deposit, which has been paid.

To date the Milpitas Basketball League has rented the Milpitas Sports Center large gym on three (3) occasions with full fees applied. To cover this private rental cost League organizers applied a per player rental fee per game to cover the costs of the facility rental.

The Milpitas Basketball League indicated that they have the ability to pay the required facility attendant fee of \$15.00 per hour or \$480.00 total to the City of Milpitas. They are asking that the City Council waive a total of **\$1,290.00** for the remainder of use this season. This group is not eligible to apply for Youth Sports Grant assistance because this is an adult basketball league.

RECOMMENDATION: Deny this request for a Fee waiver for the independently organized Milpitas Basketball League and that the regular daily rental fees be applied.

***9. APPROVE AGREEMENT OF GRANT FUNDING BETWEEN SANTA CLARA COUNTY AND THE CITY OF MILPITAS FOR TERRORISM GRANTS (STAFF CONTACT: AMERICO SILVI, 586-2810)**

BACKGROUND: Following the events of September 11, 2001, there has been an increase in emergency preparedness and awareness. Grant monies have become available to local jurisdictions to fund a variety of mitigation and preparedness efforts. The funds are distributed from the Federal level, to the State Office of Homeland Security, through the Operational Area Office (County OES) as a central clearing house, and finally are distributed to the local jurisdiction. The funds are typically utilized for equipment and training for first responders. This agreement serves as a funding instrument for all pending terrorism grants. Additionally, all future terrorism grants will require a similar agreement, prior to County distribution of funds to local jurisdictions.

RECOMMENDATION: Approve the grant funding agreement between Santa Clara County and the City of Milpitas.

***10. APPROVE AGREEMENT OF THE MOU BETWEEN THE CITY OF MILPITAS AND THE VOLUNTEER CENTER OF SILICON VALLEY (STAFF CONTACT: AMERICO SILVI, 586-2810)**

BACKGROUND: The City of Milpitas has an established system of utilizing volunteers in emergencies or disasters, however, an affiliation with the Volunteer Center of Silicon Valley serves to assist in the registration process, and availability of unaffiliated volunteers to the City from a countywide resource pool. This MOU establishes a cooperative working relationship between the City of Milpitas and the Volunteer Center of Silicon Valley. If the City were to utilize the Volunteer Center, the City would assist them in the recovery of documented costs, but at no time would be liable for operational expenses of the Volunteer Center, in case of an emergency or other events.

RECOMMENDATION: Approve the MOU between the City of Milpitas and the Volunteer Center of Silicon Valley.

***11. APPROVE BYLAWS FOR THE ECONOMIC DEVELOPMENT COMMISSION AND AMENDMENTS TO BYLAWS FOR TEN CITY COMMISSIONS (STAFF CONTACT: GAIL BLALOCK, 586-3001)**

BACKGROUND: Over the past few years the City Council has taken some actions affecting Council committees and commissions and, as a result, the bylaws for most of the City's committees and commissions were in need of updating to incorporate these changes. The City Clerk has worked with ten committees and commissions to update the bylaws so that they now reflect those changes made by the Council as well as how the committees/commissions are actually operating (i.e., to incorporate changes in meeting times/days, etc.). In addition, all bylaws were reviewed for clarity and consistency.

The ten committees/commissions are: Arts Commission; Bicycle Transportation Advisory Committee; Citizens Emergency Preparedness Advisory Committee; Community Advisory Commission; Library Advisory Commission; Parks, Recreation, and Cultural Resources Commission; Recycling and Source Reduction Advisory Committee, Senior Advisory Commission; Sister Cities Commission; and Telecommunications Commission.

As revised, most bylaws follow the same consistent format. All bylaws have been amended to include the following: Alternate members; terms for alternates; process for seating of alternates; Milpitas residency requirement (unless representing a specific category such as business,

industry, school district, etc.); notification process for reappointment or resignation; and the use of Robert's Rules for orderly conduct of meetings.

Key changes that are unique to specific commissions are:

BTAC: Meetings have been changed to the second Monday of even numbered months;
CEPAC: The Chair and Vice Chair must be Milpitas residents; a RACES representative has been designated;

Library: The term of the Chair and Vice Chair will be two years;

Recycling: Added two more meetings per year, for a total of four;

Senior: Commissioners must be a member of the Milpitas Senior Center at the time of appointment; meetings have been changed to the fourth Tuesday of even numbered months;

Telecommunications: The Telecommunications Commission has requested that a one-time exemption to the residency requirement be granted to Ravi Gopalarao, who has moved out of Milpitas. Mr. Gopalarao is the last remaining member of the original Commission and the Commission felt his insights and knowledge have been invaluable. The Commission requests that he be allowed to continue until the expiration of his current term (January 2005).

It is also recommended that all *committees* and *commissions* be referred to as "commissions" since in practice there appears to be no difference between a committee and a commission. The bylaws for BTAC, CEPAC, and RSRAC include this change.

Economic Development Commission: The Economic Development Commission was formed by the Council in February 2003. The Commission has met and formulated its bylaws, which are also included for approval. The term of office for Economic Development Commission members will be three years and alternates two years.

Copies of the current bylaws and the proposed bylaws are included in the Council's agenda packet. All the bylaws have been reviewed and approved as to form by the City Attorney's Office.

RECOMMENDATION:

1. Approve Economic Development Commission bylaws;
2. Approve the amendments to the ten City Commission bylaws; and
3. Approve the exception to the residency requirement for Telecommunications Commission member Ravi Gopalarao to allow him to serve until the expiration of his current term.

XVII. ORDINANCE

***12. ADOPT ORDINANCE NO. 239.2 OF TITLE XI, CHAPTER 16, SECTION 15 SETTING STORM DRAIN CONNECTION FEES (STAFF CONTACT: DARRYL WONG, 586-3345)**

BACKGROUND: On August 5, 2003, Ordinance No. 239.2 was introduced to the Council. This ordinance adds section 15 of Title XI, Chapter 16, of the Milpitas Municipal Code setting storm drain connection fees. The ordinance is ready for final reading and adoption.

RECOMMENDATION:

1. Waive full reading of the ordinance.
2. Adopt Ordinance 239.2 adding Section 15 of Title XI, Chapter 16, of the Milpitas Municipal Code.

XVIII. RESOLUTION

- *13. ADOPT RESOLUTION GRANTING FINAL ACCEPTANCE: PARC WEST APARTMENTS (PROJECT NO. 3113) (STAFF CONTACT: MIKE MCNEELY, 586-3301)**

BACKGROUND: This project which was initially accepted on August 6, 2002, and has passed the one year warranty period. A final inspection has been made and the public improvements which include installation of sidewalks, driveways and connections to public utilities are satisfactory. Therefore, a final acceptance may be granted and the permittee's bond may be released.

RECOMMENDATION: Adopt resolution granting final acceptance and release of the bond.

XIX. BIDS AND CONTRACTS

- *14. APPROVE AGREEMENT: AMSO CONSULTING ENGINEERS (ACE), GREAT MALL MEDIAN LANDSCAPE/IRRIGATION, (PROJECT NO. 4133) (STAFF CONTACT: STEVE ERICKSON, (408) 586- 3317.**

BACKGROUND: This project is included in the current five-year Capital Improvement Program (CIP). The completed project will provide landscape and irrigation for the eight Great Mall medians, from I-880 to east City limits. It is proposed that ACE provide professional engineering consultation services required to complete the soil investigation for this project. The work will be divided in two phases, Phase I and Phase II. Phase I will include soils investigation at each median and a report summarizing test results and recommendations. This work is necessary to complete the design for landscape and irrigation at these medians. Phase II will provide on-call services to supplement any additional testing needed. ACE has submitted a scope of work with a fee estimated not to exceed \$10,000 for Phase I and \$10,000 for Phase II. The fee is considered reasonable for the work involved, and there are sufficient funds in the project budget to cover this cost.

RECOMMENDATION: Authorize the City Manager to enter into the agreement with ACE in the not-to-exceed amount of \$20,000, subject to approval as to form by the City Attorney.

- *15. APPROVE CONSULTANT AGREEMENT: RAINES, MELTON, AND CARELLA, INCORPORATED, WET WEATHER MONITORING EVALUATION (PROJECT NO. 6102) (STAFF CONTACT: DARRYL WONG, 586-3345)**

BACKGROUND: The 2003 Sewer Master Plan recommends that selected sanitary sewer flow evaluations be performed to verify capital improvements that may be needed due to sewer capacity shortfalls. This agreement is for flow monitoring, capacity evaluations, and capital improvement verification consulting services. The consulting firm of RMC is recommended for the work since they developed the sanitary system modeling used to establish the capital improvement program, and are already knowledgeable on the use of the model and technical details required for the evaluation. Staff has determined that the cost of \$84,810 to perform this work is reasonable, and there are sufficient funds in the project budget.

RECOMMENDATION: Authorize the City Manager to execute the agreement, subject to approval by the City Attorney as to form, in the not-to-exceed amount of \$84,810 for wet weather monitoring and updated sewer capital improvement project recommendations.

***16. APPROVE CONSULTANT AGREEMENTS: URS GREINER, INC & 4LEAF, INC - CONSTRUCTION INSPECTION & MATERIAL TESTING (VARIOUS CIP PROJECTS) (STAFF CONTACT: STEVE ERICKSON, 586-3317).**

BACKGROUND: In accordance with the City's consultant selection procedure, URS Greiner, Inc., and 4LEAF, Inc have been selected to perform construction inspection and materials testing services for the City for 2003/04 and 2004/05. Material testing is required during the construction of Capital Improvement Projects. During peak construction season, it is also necessary to augment Milpitas' inspection staff with inspectors possessing expertise applicable to specific projects (such as specialty inspectors for certified welding inspection). An agreement with each of the firms has been negotiated for an amount not to exceed \$300,000 per agreement. There are sufficient funds available from various Capital Improvement and Private Development Projects.

RECOMMENDATION: Authorize the City Manager to execute the agreements with URS Greiner, Inc., and 4LEAF, Inc in an amount not-to-exceed \$300,000 per each agreement, subject to approval as to form by the City Attorney.

***17. APPROVE AMENDMENT NO. 2 TO PERMITTEE DEDICATION AND IMPROVEMENT AGREEMENT FOR HOME DEPOT AT GREAT MALL (PROJECT NO. 3118) (STAFF CONTACT: MEHDI KHAILA, 586-3327)**

BACKGROUND: A Permittee Dedication and Improvement Agreement was executed on October 23, 2000 with the Great Mall of The Bay Area Associates (GMBAA) for the improvements associated with Home Depot site application. The agreement calls for the modification of the traffic signal at the intersection of Main Street and Great Mall Drive and construction of associated Improvements by September 10, 2002. The construction of the subject improvement involves the widening of roadway at the railroad crossing, and the need to obtain necessary permits from the Union Pacific Railroad and California Public Utility Commission. The developer's efforts in obtaining these permits have taken longer than anticipated and due to this unforeseen delay, GMBAA is requesting that the completion date of these improvements be extended to March 1, 2004.

RECOMMENDATION: Authorize City Manager to execute Amendment No. 2 to Permittee Dedication and Improvement Agreement, subject to approval as to form by the City Attorney.

***18. APPROVE SIX-MONTH EXTENSION OF STREET SWEEPING SERVICES CONTRACT WITH ENVIRO-COMMERCIAL SWEEPING (STAFF CONTACT: BLAIR KING, 586-3060)**

BACKGROUND: The City has reached the end of a six-year contract with Enviro-Commercial Sweeping for citywide street sweeping. Currently, in order to reduce costs, staff is researching alternative methods of providing street sweeping services and exploring alternative frequency and street sweeping schedules. To provide sufficient time to complete the necessary data gathering and research, it is proposed that Enviro-Commercial Sweeping's Contract be extended by six-months. The unit price for sweeping remains the same.

RECOMMENDATION: Approve six-month extension for Street Sweeping services with Enviro-Commercial Sweeping.

***19. AUTHORIZE THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH FRANK ADDIEGO CONSULTING ENGINEERS (VARIOUS CIP PROJECTS) (STAFF CONTACT: MARK ROGGE, 586-3257)**

BACKGROUND: Professional engineering consulting services are required for the implementation of several projects in this years Capital Improvement Program. These projects include: Senior Center (No. 8134); Underground Utility District (No. 4158); Tasman Extension Median Landscape (No. 4133); and Misc. Building Improvements (No. 8135). These engineering services include: writing technical specifications, preparing written reports, preparing and reviewing plans, cost estimates and bid documents, project coordination with various City departments and outside agencies, and providing construction technical support for these projects. Frank Addiego Consulting Engineers was interviewed and selected in accordance with the established City's consultant selection process. Frank Addiego Consulting Engineers has relevant experience in the design and construction of these types of projects. In addition, staff has previous favorable experience with this consultant. The work is proposed on a time and materials basis and sufficient funds are available in the respective project budgets.

RECOMMENDATION: Authorize the City Manager to execute a professional services contract with Frank Addiego Consulting Engineers, based on time and materials not to exceed \$100,000, subject to approval as to form by the City Attorney.

***20. AUTHORIZE THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH DEG CONSULTING ENGINEERS: SPORTS CENTER MASTER PLAN IMPROVEMENTS NO. 8149 (STAFF CONTACT: MARK ROGGE, 586-3257)**

BACKGROUND: The Milpitas Sports Center Master Plan Improvements (Project No. 8149) is included in the approved Capital Improvement Program. The first phase of the project includes improvement of vehicular circulation and parking as well as refinement of the site programming. To accomplish this first phase, professional engineering consulting services are required for predesign analysis, office survey for right-of-way mapping and traffic engineering analysis. The consultant will develop alternatives to provide additional driveway options. Alternatives may include improvements to Calaveras Rd. and/or Park Victoria Blvd. to facilitate and improve vehicular ingress/egress to the Sports Center generally and during major events. DEG Consulting Engineers was interviewed and selected in accordance with the established City's consultant selection process. DEG Consulting Engineers has relevant experience in the design and construction of these types of projects. In addition, staff has previous favorable experience with this consultant. The work is proposed on a time and materials basis not to exceed \$60,000 and sufficient funds are available in the project budget.

RECOMMENDATION: Authorize the City Manager to execute a professional services contract with DEG Consulting Engineers, based on time and materials not to exceed \$60,000, subject to approval as to form by the City Attorney.

***21. APPROVE AN AMENDMENT TO EXTEND THE AGREEMENT WITH TELECOMMUNICATIONS ENGINEERING ASSOCIATES AND PERFORM ADDITIONAL INSTALLATION SERVICES FOR AN AMOUNT NOT-TO-EXCEED \$11,000 (PROJECT NO. 3389) (STAFF CONTACT: TERRY MEDINA, 586-2703)**

BACKGROUND: One of the projects within the Enhanced Public Safety Capital Improvement Program (Project No. 3389) involves the upgrade of the telephone and radio communication systems in the Public Safety Dispatch Center. Based upon a recommendation from the Telecommunications Commission, staff initiated a search for engineering firms that specialized in the area of Public Safety Dispatch Centers. Telecommunications Engineering Associates (TEA)

has designed, implemented and supported numerous telephone and radio communications system installations for a number of Public Safety Agencies within the Bay Area.

In September 2002, the City entered an agreement with TEA for the replacement, installation and maintenance of the telephone and radio communications system located in the Public Safety Dispatch Center. TEA performed the installation and the system has worked flawlessly since the implementation. The current agreement with TEA will expire on September 30, 2003 and requires an amendment to extend the term of the agreement. Additionally, the Police Department has purchased new equipment that requires installation. Based upon their experience and familiarity with the City of Milpitas, TEA is the most qualified vendor to perform the work.

Approval of the amendment to the agreement with TEA will provide the City of Milpitas with the necessary technical expertise to install the new radio communication equipment for the Police Department. The fixed price quote to install the new equipment is \$10,442.67.

Funding for this amendment is available in the Enhanced Public Safety Capital Improvement Program (Project No. 3389).

RECOMMENDATION:

1. Authorize the City Manager to amend the agreement with Telecommunications Engineering Associates for engineering services related to the Public Safety Dispatch Center in an amount not to exceed \$11,000.
2. Extend the agreement until September 30, 2004 subject to approval as to form by the City Attorney.

***22. AUTHORIZE PURCHASE OF GEOGRAPHIC INFORMATION SYSTEM SOFTWARE FROM INTERGRAPH CORPORATION (PROJECT NO. 8112) (STAFF CONTACT: TERRY MEDINA, 586-2703)**

BACKGROUND: In fiscal year 1998/99, the City of Milpitas embarked upon the implementation of a Geographic Information System (GIS) with approval for base map development services. Since that time numerous products have been created from the GIS data. Furthermore, training has been provided to numerous staff in order to allow for the deployment of GIS data to City Departments.

In order to continue developing new mapping tools by staff, it is necessary to acquire two additional GeoMedia software licenses that will allow a total of 5 users to develop GIS reports from the system concurrently. This software is used to support the creation of maps for planning and reference purposes such as the Midtown Plan and the Fire Run Maps. The maps created from the GIS system provide invaluable information to both the public and staff.

Approval of this request will provide the City of Milpitas with two additional software licenses that are needed to create mapping reports and gather information for analysis. The total cost of the software license and annual maintenance will not exceed \$20,000. There is sufficient funding in the current year Capital Improvement Program (CIP 8112) to support the acquisition of the two software licenses.

RECOMMENDATION: Approve the purchase of GIS software from Intergraph Corporation for the City of Milpitas in an amount not to exceed \$20,000.

***23. AUTHORIZE THE UPGRADE OF FORTY COMPUTER SERVER LICENSES TO WINDOWS 2003 (PROJECT NO. 8109) (STAFF CONTACT: TERRY MEDINA, 586-2703)**

BACKGROUND: The City of Milpitas Data Center currently utilizes forty computer servers to support the conduct of City business. These servers support all computer applications that operate throughout the City ranging from the support of Public Safety applications to all Finance applications. These servers also support the City's website, infrastructure items such as pumps and stoplights and the mobile computing hardware installed in the City's police vehicles.

The majority of the City's computer servers are operating using the Microsoft Windows NT operating system. The NT operating system has been a very stable and reliable operating system but is being replaced by Microsoft with the Windows 2003 operating system. Microsoft will no longer be supporting the Windows NT operating system in the near future and therefore we must convert to a new operating system.

Staff recommends that the City purchase 35 standard edition Microsoft Windows Server 2003 and 5 enterprise edition Microsoft Windows Server 2003 software licenses from GE IT Solutions through a State of California contract.

The cost for the software license upgrade will not exceed \$29,000. There is sufficient funding in the current year Capital Improvement Program (CIP 8109) to support the upgrade of the software licenses.

RECOMMENDATION: Authorize the purchase of 35 standard edition Microsoft Windows Server 2003 and 5 enterprise edition Microsoft Windows Server 2003 software licenses in an amount not to exceed \$29,000.

XX. CLAIMS AND DEMANDS

***24. APPROVE PAYROLL REGISTERS (STAFF CONTACT: EMMA KARLEN, 586-3145)**

BACKGROUND: The Payroll Registers for the periods ending July 12, 2003, in the amount of \$1,640,390.92, and July 26, 2003, in the amount of \$1,672,440.61 are submitted for approval.

RECOMMENDATION: Approve Payroll Registers as submitted.

XXI. ADJOURNMENT

**NEXT REGULARLY SCHEDULED COUNCIL MEETING
TUESDAY, SEPTEMBER 2, 2003, AT 7:00 P.M.**